

released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the Federal food and drugs act, and all laws State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19576. Adulteration and misbranding of butter. U. S. v. 65 Tubs of Butter. Decree entered ordering product released under bond to be reworked. (F. & D. No. 27831. I. S. No. 48020. S. No. 5847.)

Samples of butter taken from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 11, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 tubs of butter, remaining in the original unbroken packages at Somerville, Mass., consigned about February 2, 1932, alleging that the article had been shipped in interstate commerce by the Pipestone Produce Co., from Pipestone, Minn., to Somerville, Mass., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress approved March 4, 1932, providing that butter should contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On February 12, 1932, First National Stores (Inc.), Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the deposit of a cash bond in the sum of \$1,000 as security that the butter would not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered by the court that the product be reworked so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19577. Adulteration and alleged misbranding of vinegar. U. S. v. 38 Barrels of Vinegar. Default Decree of condemnation and destruction. (F. & D. No. 27607. I. S. No. 36221. S. No. 5639.)

This action involved the interstate shipment of a quantity of vinegar which was found to be below the declared acid strength and which also was found to contain arsenic.

On December 26, 1931, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 barrels of the said vinegar at Grand Island, Nebr., alleging that the article had been shipped in interstate commerce on or about October 20, 1931, by the Western Cider Vinegar Co., from Milton, Oreg., to Grand Island, Nebr., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Maxi Cobb Brand Apple Cider Vinegar Reduced to 5%."

It was alleged in the libel that the article was adulterated in that it was deficient in acid, and contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

Misbranding was alleged for the reason that the statement on the label, "Reduced to 5%," was false and misleading and deceived and misled the purchaser.

On March 8, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19578. Adulteration of dried figs. U. S. v. 30 Sacks of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27659. I. S. No. 22888. S. No. 5705.)

This action involved the interstate shipment of a quantity of dried figs, samples of which were found to be insect-infested, moldy, and sour.